



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE
CAMBRO - BRITON.
MARCH, 1822.

NULLI QUIDEM MIHI SATIS ERUDITI VIDENTUR, QUIBUS NOSTRA
IGNOTA SUNT.
CICERO *de Legibus*.

THE LAWS OF HYWEL.

THE COMMON LAW.

[*Continued from page 201.*]

Of Women. *

IF a man shall marry a woman, whom he shall afterwards discover to have been previously violated, and he shall conceal it until the morning after the marriage, he shall take from her nothing that is her due; but, if he shall immediately make the discovery known to the bride-men †, and shall lie with her no longer that night, then she shall have nothing on the following day. * * * * * For which reason the law allows her to clear herself by the oaths of seven persons, namely, of her mother, her father, her brothers, and sisters. But, if she should be unwilling to clear herself, let her shift be torn as high as the hip, and let a year-old bullock, after having his tail greased, be put into her hand, and, if she can hold him, let her take the half of her paraphernalia ‡; and, if she can not, let her go without any §.

* Arch. of Wales, vol. iii. p. 379. Wotton's "Leges Wallicæ," p. 81.

† *Neithiorwyr* :—respecting which word see note in the last Number, p. 201.

‡ *Argyrau*. Wotton has here "rectius o'i *gwaddawl* vel *agiceddi*", but, as it appears, not with much reason. *Gwaddawl* and *agiceddi* both mean a marriage portion. Wotton, in a note, explains *argyrai* to mean "animals given by the wife's parents;" for which, however, he does not seem to have had any good authority: see p. 199, of the last Number.

§ According to other copies of these laws, the woman was to have the bullock or ox for her dowry, if she could hold it, while two men goaded

Whoever shall give a woman in marriage shall pay the commutation-fee* for her, unless he shall have taken sureties from her, that she would pay it herself; and, if she shall, of her own accord, have disposed of herself, she shall pay the fee herself, for she herself was the betrother.

If a woman be privately abducted by a man, and he take her to the house of a gentleman † to sleep, and shall not have taken sureties for the payment of her commutation-fee, he shall pay it himself.

If a man have taken a woman by private abduction, she shall have, at the end of seven years, three bullocks, whose horn and ear are of equal length ‡; and, if she shall lose her privilege, she shall still retain this privilege throughout the seven years. If she have brought with her any paraphernalia, they shall be retained entire throughout the seven years; but, if she allow them to be consumed, she shall have no compensation for what is consumed in food and clothing. At the end of seven years, if three nights shall have passed from the eighth,

it on each side, otherwise only as much soap, as adhered to her hands. It is by no means improbable, that this strange law was the origin of a custom, formerly known in some English manors, where the widow of a vassal, who had been convicted of a violation of the laws of chastity, was condemned to ride backwards on a black ram, holding the tail in her hand, into the lord's court, where, upon the confession of her delinquency, her lands, which had been previously forfeited, were restored to her. The lines, she recited on the occasion, must be familiar to most of our readers; and, if not, we must be excused from repeating them here. Similar to a part of this Welsh law was an ordinance, known to the ancient Saxons, which is thus related by Verstegan.—“If either wife or maid were found in dishonesty, her clothes were cut off round about her, beneath the girdle-stead, and she was whipped and turned out to be derided of the people.”—To return to the bullock's tail, it cannot fail to strike our readers, that the custom may have had some connection with the old Welsh proverbs, of which we made honourable mention in our twenty-fifth Number, p. 170, to which we beg to refer the curious inquirer.

* The original word is *amobrwy*, which was a fine payable to the lord, or, according to some authorities, to the lord or father, on the marriage of a female vassal. Dr. Davies, accordingly, renders it by “*premium virginitatis*,” which would assimilate it to the *coryll*, except that the latter was payable to the woman herself. See a note in the last Number, p. 199.

† The word here is *uchelwr*, which means, literally, a man of superior quality. It implied, likewise, a freeholder, or a gentleman.

‡ The original expression here seems to have been misunderstood by Wotton, who renders it by “*capita diminuta*.” The words are “*cyhyd eu corn ac eu hysgyrarn*.”

they * shall be divided into two parts with her, in the same manner as if she had been a betrothed wife; for a wife, whether by abduction or by betrothment, shall not be detained by virtue of her portion †, except to the end of the seventh year. After that they shall divide in two parts.

Whoever shall sleep three nights with a woman, from the time the fire is put out at night until it is lighted again in the morning, and then wishes to separate from her, shall pay her an ox, worth twenty pence, another worth thirty pence, and another worth sixty pence; and, if he take her to his own house and estate, and live with her to the end of seven years, he shall divide with her as with a wife, who had been betrothed to him.

There are three legal marriage portions:—the portion of a king's daughter four and twenty pounds, and her maiden-fee ‡ eight pounds; the portion of a gentleman's daughter three pounds, and her maiden-fee a pound; the portion of a vassal's § daughter a pound, and her maiden-fee four and twenty pence.

* * * * *

If a man separate from his wife, and she be pregnant at the time of the separation, half a year shall be allowed to her from that period for supporting the child she bears; and, after the child is born, the sustenance of it belongs to her to the end of the year, out of the goods of her husband, be he willing or not. These are the goods he ought to supply: a milch cow, a petticoat worth four pence, a pan worth a penny, and a cart-load of the best corn from her father's township ||; and that to the end of the year on account of her sustenance of the child. After this, she shall herself support it for half a year; and from that time forward she is not compellable to maintain it, except

* Namely, her *argyrau*.

† *Agweddli*:—see a note in the last Number, p. 196.

‡ *Cowyll*:—see *ibid.*, p. 199.

§ In the original *mab aillt*, which means an adopted son as well as a servant or vassal. The latter, however, seems to be the signification here. The clause, in which this word occurs, is not to be found in Wotton's edition.

|| The original word in the Archaiology is *tre'r*: in other copies it is *tir*. The articles, to be provided by the father for the support of a gentleman's child, differed from those above mentioned. Among them were a sheep with the fleece and lamb, a cake of tallow, and a cart-load of corn to make *nud* for the child.

as to her own part, unless she choose. And from that time, to the end of fourteen years, two parts of the maintenance belong to the father, and the third to the mother; and at the end of fourteen years the father ought to take him to the lord*, that he may do homage to him †; and from that time forth he shall be at the cost of the lord.

* * * * *

If a man commit a rape on a woman, and confess it, let him pay twelve cows as a forfeiture to the lord, and also the lord's fine; and, if it be a maid, her maiden-fee and her marriage portion to the utmost amount, that he ought, and her satisfaction ‡, and her warranty §; and, if it be a married woman, her satisfaction for the insult encreased by one-half.

If a man take a maiden by private abduction, it shall be lawful for her lord and her family || to rescue her from him, even against his consent. But, in the case of a widow, she cannot be rescued, even although she has been secretly taken away, unless she herself wish it.

The three chief indispensable things appertaining to a woman are her maiden-fee, her satisfaction for insult, and her fine for loss of enjoyment ¶. These are called the three chief indispensables, as being the three marriage indispensables of a woman, and she cannot, on any account, be deprived of them. Her maiden-fee is that which she receives for her coverture. Her satisfaction for insult is for every thing her husband shall do to her, except three things: these three things are her chastisement for giving away what she ought not to give, and for being found with another man, and for wishing

* For some observations on the term *arglwydd* see the last Number, p. 247.

† The original word is *gurhāu*, which Dr. Davies translates “*dedere se, homagium facere, fidelitatem promittere.*” It is rather singular, that this sense of the word has escaped Mr. Owen, who has merely “to render or become manly,” which is, indeed, its ordinary acceptation.

‡ *Gwynebguerth*:—see the last Number, p. 197, in the notes.

§ *Dilysrwydd*:—this word is, literally, certainty or security, and is explained, in another part of the Laws, to imply the warranty made by a vendor to a purchaser, to ensure the right of the latter to the thing purchased. It seems to be used in a different sense here.

|| In the original it is *cenedl*, which means also a tribe or clan: its particular application here is uncertain.

¶ *Gorwyn*.

disgrace on her husband's beard. And, if she be beaten for being detected with another man, she ought not to suffer any forfeiture in addition to that; for there ought not to be forfeiture * and punishment for one offence. Her fine for loss of enjoyment is when she shall detect her husband with another woman, when he shall pay her six score pence, and for the second time a pound, and, if he be detected a third time, she shall be separated from him without the loss of any of her property; and the goods, she shall receive in satisfaction for these three things, shall be her portion apart from her husband.

The king's wife may, without the consent of the king, give away the third part of such utensils as belong to the king.

The wife of a gentleman's son may give away her cloak, her shift, her shoes, her head-cloth, her meat, her drink, the contents of her store-room, and the loan of all her furniture.

The wife of a vassal can give nothing, except the loan of her sieve, and the cock, as far as his voice can be heard off the dung-hill, and her bonnet of three stays †.

A woman, when she has been slept with, ought not to quit the house until the end of the ninth day; and, when she has separated from her husband, she ought not to quit it until the end of the ninth day, and then after the last penny; and, when her husband is dead, she ought not to leave the house until the end of the ninth day, and then after the last penny.

From three causes is a wife entitled to her commutation-fee: from endowment and entail, if she have not been slept with; the second, from open cohabitation, if there be no endowment; the third, from a state of pregnancy.

The commutation-fee of the daughter of the house-steward is a pound; that of the steward's daughter six score pence; that of the daughter of a chief of a family ‡ a pound, and six score pence; that of the daughter of a gentleman six score pence; that of the daughter of a vassal four score pence;

* *Dirwyn*—which is of a meaning somewhat similar to the last: it seems to import here any penalty, that might be inflicted on the wife, besides corporal chastisement.

† The original words are *pencuoch tri Gorsar*, the meaning of which we do not exactly comprehend: they necessarily refer to some head-dress formerly worn by the lower class of females in Wales.

‡ *Pencenedl*:—see p. 207 of the last Number.

that of the daughter of a stranger * four and twenty pence; that of the daughter of every head-officer, with respect to some, a pound,—with respect to others, six score pence; that of the daughters of other officers, with respect to some, six score pence, with respect to others, three score; that of a female vassal, twelve pence †.

[*To be continued.*]

DIDACTICS OF GERAINT.

THE “ CHOICE THINGS ” OF GERAINT THE BLUE BARD ‡.

A morning bright and calm, and birds joining in song;
Trefoils sparkling with drops of passing dew;
A cloudless welkin, with a plain of smooth turf;
The matin song of a lark and a black-bird on the bush;
The trilling shrill note of the nightingale from a near woody cove;
A pebble-bottomed rippling brook, and pasture decked with flowers;
The discourse of birds, with weather sunny and mild;
A sweet and healthy sky, with a stag on a spangled path;
The concert of hounds, the voice of lambs and sheep;
A sweet-tuned harp, with a sweetly-impassioned lay;
A song of ardent love from the sweet lip of a fair maid;
A merry and handy damsel, and the fruitfulness of genius;
A grove verdant and lovely, and fondly spoken words;
Courteous society, and the sight of a dexterous feat;
Old sweetly-savoured mead, and habitual kindness;
A lady perfectly beautiful, and a speech wisely splendid;
A home-range of easy paths, and the concealment of a secret;

* *Alltud*:—the word means, commonly, an alien or stranger, but is often used in the Welsh Laws for the farmer of another's land, or a tenant.

† The last seven clauses, here translated, do not occur in Wotton's edition.

‡ Arch. of Wales, vol. iii. p. 106. The original is in rhymed couplets of ten syllables each; every couplet corresponding with a line in this translation.